

1 **R277. Education, Administration.**

2 **R277-438. Dual Enrollment.**

3 **R277-438-[2]1. Authority and Purpose.**

4 [A-](1) This rule is authorized by:

5 (a) Utah Constitution Article X, Section 3, which vests general control and  
6 supervision of the public school system under the [b]Board[;];

7 (b) [by] Subsection 53A-1-402(1)(b), which directs the Board to establish rules  
8 and minimum standards for access to programs;~~[-and by Section 53A-11-102.5~~  
9 ~~directing the Board to make rules to permit home school, charter and online students~~  
10 ~~and private school students to participate in public school extracurricular or co-~~  
11 ~~curricular school activities.]~~

12 (c) Subsection 53A-1-401(3), which allows the Board to adopt rules in  
13 accordance with its responsibilities; and

14 (d) Section 53A-11-102.5, which governs dual enrollment.

15 [B-](2) The purpose of this rule is to provide consistent statewide procedures  
16 and criteria for a home school and private school student's[-] participation in a public  
17 school course, co-curricular activit[ies]y, or program. ~~[-A further purpose is to provide~~  
18 ~~procedures and criteria for charter school and online school students to participate~~  
19 ~~in traditional public school activities consistent with R277-494.]~~

20 **R277-438-[4]2. Definitions.**

21 ~~[A. "Accredited" means evaluated and approved under the standards of the~~  
22 ~~Northwest Accreditation Commission or the accreditation standards of the Board,~~  
23 ~~available from the USOE Accreditation Specialist.~~

24 ~~—— [B. "Board" means the Utah State Board of Education.~~

25 ~~—— [C. "Charter school" means a school acknowledged as a charter school by~~  
26 ~~a local board of education under Section 53A-1a-515 and by R277-470, or by the~~  
27 ~~Board under Section 53A-1a-505.]~~

28 (1) "Co-curricular activity" means a school district or school activity, course,  
29 or experience that includes a required regular school day component and an after  
30 school component, including a special program or activity such as a program for a  
31 gifted and talented student, a summer program, and a science or history fair.

[D.](2) "Dual enrollment student" means a student who is enrolled simultaneously in~~[-public];~~

(a) a private school ~~[and in]~~or a home school~~[-];~~ and

(b) a ~~[Utah charter school, a Utah online school, or a regularly established private]~~public school.

[E.](3) "Eligibility" means a student's fitness and availability to participate in a school course, activit[ies]y, or program governed by this rule~~[-Eligibility]~~ that is determined by a number of factors<sub>1</sub> including:

(a) residency~~[-(of student and legal guardian);]~~<sub>1</sub>

(b) scholarship~~[-];~~<sub>1</sub>

(c) age~~[-];~~<sub>1</sub> and

(d) the number of semesters of participation in a particular course, activity, or program.

[F.](4) "Full-time student" means a student earning the school district designated number~~[-(s)]~~ and type~~[-(s)]~~ of credits required for participation in a ~~[extracurricular or interscholastic]~~ course, activit[ies]y, or program in the school district in which the student's parent~~[-or legal guardian]~~ resides.

[G.](5) "Home school" means a school in the state comprised of one or more students officially excused from compulsory public school attendance under Section 53A-11-102.

~~[H. "Online school" means a school:~~

~~——(1) that provides the same number of classes consistent with the requirement of similar resident schools;~~

~~——(2) that delivers course work via the internet;~~

~~——(3) that has designated a readily accessible contact person; and~~

~~——(4) that provides the range of services to a public education students required by state and federal law.]~~

~~[I. "Previous academic grading period" means the most recent period as defined by the school district for which a student received a recorded grade.]~~

[J.](6) "Private school" means a school ~~[satisfying the following criteria]~~in the state that:

63 ([1]a) is maintained by a private individual[s] or corporation[s];  
64 ([2]b) is maintained and operated not at public expense;  
65 ([3]c) is generally supported, in part at least, by tuition fees or charges;  
66 ([4]d) operate[d]s as a substitute for, and giv[ing]es the equivalent of,  
67 instruction required in a public school[s];  
68 ([5]e) employ[ing]s a teacher[s] able to provide the same quality of education  
69 as a public school teacher[s];  
70 ([6]f) is established to operate indefinitely and independently, not dependent  
71 upon age of the students available or upon individual family situations; and  
72 ([7]g) is licensed as a business by the[Utah] Department of [Business  
73 Regulations]Commerce.  
74 (7)(a) "Resident school" means a public school:  
75 (i) that is under the control of a local school board elected under Title 20A,  
76 Chapter 14, Nomination and Election of State and Local School Boards; and  
77 (ii) within whose boundaries a student's custodial parent resides.  
78 (b) "Resident school" does not mean a charter school or online school.  
79 [K. "School participation fee" means the fee paid by the charter/online school  
80 to the traditional school consistent with the fee schedule of R277-494-4 for student  
81 participation in extracurricular or co-curricular school activities.]  
82 [L.](8) "Student participation fee" means [the]a fee charged to all participating  
83 [charter/online and traditional school]students by the resident school for [designated  
84 extracurricular]enrollment in a course, program, or co-curricular school activit[ies]y  
85 consistent with Rule R277-407.  
86 [M. "USOE" means the Utah State Office of Education.]

87 **R277-438-3. Private and Home School Student Participation in a Public School**  
88 **Course, [Extracurricular or]Co-curricular [School] Activit[ies]y, or Program.**

89 [A.](1) A [S]student[s] who is exempt[ed] from compulsory public school  
90 education by [the]a local school board for instruction in a private or home school[s]  
91 may [be eligible for]enroll in the student's resident school as a dual enrollment  
92 student and participat[ion]e in a [extracurricular or]course, co-curricular [public  
93 school] activit[ies]y, or program at the student's resident school [provided they are]if

the student tak[ing]es courses comparable to [traditional]resident school courses or earn[ing]s credit under options outlined in Section R277-700-6 in at least as many of the designated courses as required by the local school board of a student[s] for participation in th[at]e course, co-curricular activity, or program.

(2) A public school that is not the student's resident school may allow a private or home school student to enroll in the public school as a dual enrollment student at the discretion of the public school.

~~[B. The private or home school student may only participate in extracurricular or co-curricular school day activities at the school within whose boundaries the student's custodial parent(s) or legal guardian resides.]~~

~~[C.]~~(3) A [D]dual enrollment student[s shall be] is eligible [for]to participate in a [extracurricular or]course, co-curricular[-school] activit[ies]y, or program:

(a) consistent with the eligibility standards for [fully-enrolled traditional public school]a full-time student[s], including providing a report card[s] and citizenship information to [activity sponsors and coaches]the resident school or other school described in Subsection (2) upon request[-]; and

(b) in accordance with Section 53A-11-102.5.

#### **R277-438-4. Fees for Private and Home School Students.**

~~[A. Private and home school students are responsible for student participation fees in the same manner as full-time public school students.]~~

~~[B.] A school or school district shall waive a [S]student participation fee[s] for a dual enrollment private[-, charter, online] or home school student[s shall be waived by the school or school district] if:~~

(1) the student[s are] is eligible; and

(2) the parent[s] provides required documentation under Section 53A-12-103 and Rule R277-407, School Fees.~~[The charter or online schools shall be responsible for payment of waived fees to the resident school district.]~~

#### ~~**[R277-438-5. Utah Charter and Utah Online School Student Participation in Extracurricular or Co-curricular School Activities.**~~

~~—— A. Utah charter school and Utah online school students shall be eligible to~~

124 participate in extracurricular and co-curricular school activities at their public schools  
125 of residence consistent with Section 53A-1a-519, Section 53A-2-214, and R277-494.  
126 ~~—— B. Charter schools and online schools may determine if the schools shall~~  
127 ~~allow students to participate in extracurricular or co-curricular school activities at the~~  
128 ~~students' resident schools understanding:~~  
129 ~~—— (1) That the charter/online school is responsible for the school participation~~  
130 ~~fees associated with the designated activity consistent with Section R277-494-4;~~  
131 ~~—— (2) If the charter/online school allows one student to participate in a given~~  
132 ~~activity, the charter/online school shall allow all interested students to participate;~~  
133 ~~—— (3) That the charter/online school is responsible for the school participation~~  
134 ~~fee;~~  
135 ~~—— (4) That the student shall be allowed to participate only upon payment of the~~  
136 ~~school participation fee by the school;~~  
137 ~~—— (5) That the charter/online school shall cooperate fully with all resident~~  
138 ~~schools regarding students' participation in try-outs, practices, pep rallies, team fund~~  
139 ~~raising efforts, scheduled games and required travel and provision of complete and~~  
140 ~~prompt reports of student academic and citizenship progress or grades, upon~~  
141 ~~request; and~~  
142 ~~—— (6) That charter/online students' parents are responsible for the students'~~  
143 ~~transportation to the school with which the student participates; and~~  
144 ~~—— (7) That the charter/online school is responsible for any student participation~~  
145 ~~fees required of all student participants in the activity if the participating student is~~  
146 ~~eligible for fee waivers under R277-407.]~~

147 **R277-438-[6]5. Miscellaneous Issues.**

148 ~~[A.](1)~~ A dual enrollment student attending an activit[ies]y or a portion of  
149 ~~[the]a~~ school day under ~~[the provisions of]~~Section 53A-11-102.5 ~~[shall be]is~~ subject  
150 to the same behavior and discipline rights and requirements of a full-time~~[resident~~  
151 ~~school]~~ student.

152 ~~[B.](2)~~ A dual enrollment student who attends an activity or a portion of the  
153 school day ~~[shall be]is~~ subject to the administrative scheduling and teacher  
154 discretion of the ~~[traditional]~~public school.

[C-](3)(a) A dual enrollment student with a disability may participate as a dual enrollment student consistent with ~~[Utah]~~ law, this rule and ~~[Code of Federal Regulations (CFR) Vol. 64, No. 48, Section]~~ 34 CFR 300.450 through 300.455.

~~[(1) If a student with disabilities who attends a charter or online school desires to participate in dual enrollment, the charter/online school is responsible for accommodations or extra costs to the student's resident school for the student's participation.]~~

[(2)b] ~~[The]~~ A dual enrollment student's resident school shall prepare an IEP for a student described in Subsection (3)(a) ~~[shall have a services plan in place]~~ prior to the student's participation in dual enrollment using comparable procedures to those required for identifying and evaluating public school students~~[:]~~.

[(3)c] A ~~[S]~~ student~~[s]~~ with a disability seeking dual enrollment ~~[shall be]~~ is entitled to services only in the same proportional amount that the number of private school students residing in the school district is to the total number of students with a disability in the school district.

[(4)d] Decisions about the scheduling and manner of services provided ~~[shall be]~~ is the responsibility of the resident school and school district personnel.

[(5)e] A ~~[S]~~ school~~[s and]~~ or a school district~~[s are]~~ is not prohibited from providing a service~~[s]~~ to a student~~[s]~~ who ~~[are]~~ is not enrolled full time in excess of those required by ~~[R277-438-6]~~ this section.

**KEY: public education, dual enrollment**

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**Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53A-1-402(1)(b); 53A-11-102.5**